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EXAMINER

CHO, UN C

ART UNIT

PAPER NUMBER

2687

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/828,127

Applicant(s)

FACCIN ET AL.

Examiner

Un C Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-15 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 16 is objected to because of the following informalities:

Regarding claim 16, the claim recites "A method in accordance with claim 4, ...", the claim refers to a cancelled claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 6, 9, 13, 14, 18 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Widegren et al. (US 6,374,112).

Regarding claim 1, Widegren discloses a method of setting up a communication session (multimedia call set up) in at least one wireless communications network, the method comprising transmitting a request for a communication channel setup from a user equipment to a first network element in a first network (MS requesting multimedia call set up via the core network service nodes) and wherein the request indicates to the first network element that

radio resource allocation is to be prevented for the communication channel before a communication session has been successfully established (analyzes parameters included in the multimedia call set up message transmitted by MS prior to allocating resources, Fig. 5, Widegren, Col. 11, line 52 through Col. 12, line 32).

Regarding claim 2, Widegren discloses transmitting the request to a second network element in a radio access network and in response to receiving the request, the second network element refrains from allocating radio resources for the communication channel (RNC detects a radio access bearer service request from a service node and makes the determination regarding channel allocation, Widegren, Col. 12, lines 33 – 45).

Regarding claim 6, Widegren discloses a core network as one of network the elements of the telecommunication network (Widegren, Col. 5, lines 29 – 55).

Regarding claim 9, Widegren discloses RNC as one of the network elements of the radio network system (Widegren, Col. 5, lines 29 – 55).

Regarding claim 13, Widegren discloses the request (call setup) contains a flag (types of parameters) which indicates to the first network element that radio allocation is to be prevented for the communication channel before a communication session has been established (network element will analyze the parameters prior to allocating a channel to the requestor, Widegren, Col. 11, lines 52 through Col. 12, line 11).

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 13.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 13.

Regarding claim 21, the claim is interpreted and rejected for the same reason as set forth in claim 13.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 8, 10, 11, 15, 17, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren in view of Barany et al. (US 2002/0034166).

Regarding claim 3, Widegren as applied to claim 2 above does not specifically disclose setting up communication channel without radio resources setting up a communication session between the user equipment and third network element in a second network. In an analogous art, Barany discloses a call control signal communicated through the access network is forwarded by the GGSN to the CSCF module and a call session is established after a call setup procedure is performed (Barany, Paragraph 0037, lines 1 - 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to provide the technique of Barany to the system of Widegren in order to provide enabling voice and other forms of real-time or streaming communications over packet-switched wireless networks.

Regarding claim 5, Widegren in view of Barany as applied to claim 3 above discloses a call control signal communicated through the access network is forwarded by the GGSN and a call session is established after a call setup procedure is performed (Barany, Paragraph 0037, lines 1 - 5).

Regarding claim 8, Widegren in view of Barany as applied to claim 3 discloses SGSN as one of the network elements of the telecommunication network (Barany, Paragraph 0026, lines 1 – 19).

Regarding claim 10, Widegren in view of Barany as applied to claim 3 above discloses CSCF as being one of the elements (Barany, Paragraph 0037, lines 1 – 5).

Regarding claim 11, Widegren in view of Barany as applied to claim 5 above discloses GGSN as one of the network elements of the telecommunication system (Barany, Paragraph 0037, lines 1 – 5).

Regarding claim 15, Widegren in view of Barany as applied to claim 3 above discloses the request (call setup) contains a flag (types of parameters) which indicates to the first network element that radio allocation is to be prevented for the communication channel before a communication session has been established (network element will analyze the parameters prior to allocating a channel to the requestor, Widegren, Col. 11, lines 52 through Col. 12, line 11).

Regarding claim 17, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 20, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 22, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 5.

6. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Kannas et al. (US 6,683,853).

Regarding claim 12, Kannas discloses a method of setting up a communication session in a wireless communications network, the method comprising setting up communication channel between the user station and a SGSN of the core network and setting up a communication session between the user station and the Radio Network Controller (Kannas, Col. 3, lines 50 – 62).

7. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren in view of Wang (US 2002/0131395).

Regarding claim 7, Widegren does not specifically disclose that the second network is an IMS network. In an analogous art, Wang discloses an IMS network (Paragraph 0077). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide the technique of Wang to the system of Widegren in order to provide the high data rate making it possible for a mobile user to access to data and multimedia content.

Regarding claim 19, Widegren in view of Wang as applied to claim 7 above discloses the request (call setup) contains a flag (types of parameters) which indicates to the first network element that radio allocation is to be prevented for the communication channel before a communication session has been established (network element will analyze the parameters prior to allocating a channel to the requestor, Widegren, Col. 11, lines 52 through Col. 12, line 11).

#### ***Allowable Subject Matter***

8. The indicated allowability of claim 2 is withdrawn in view of the newly discovered reference(s) to Widegren et al. (US 6,374,112). Rejections based on the newly cited reference(s) follow.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1 – 3, 5 – 23 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***



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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703) 305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (703) 306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**SONNY TRINH**  
**PRIMARY EXAMINER**

Un C Cho 12/28/04 UC  
Examiner  
Art Unit 2687